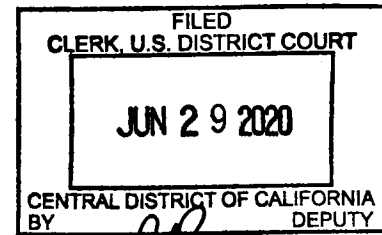


1 ANTHONY TNGRYAN  
 2 Self-Represented Movant  
 3 *In Pro Se*

4 (518) 444-4440

5 AnthonyTngryan@gmail.com



6  
 7 UNITED STATES DISTRICT COURT  
 8 CENTRAL DISTRICT OF CALIFORNIA  
 9 WESTERN DIVISION

10  
 11 UNITED STATES OF AMERICA,

12 *Plaintiff,*

13 v.

14  
 15 ANTHONY TNGRYAN,

16 *Defendant.*

Case No. 2:15-CR-621-6

**MOTION FOR EARLY  
 TERMINATION OF  
 SUPERVISED RELEASE**

Hearing: No Hearing Requested

17  
 18  
 19 **NOW COMES** ANTHONY TNGRYAN, motioning this Court *in propria persona*  
 20 (*pro se*) to terminate the imposed term of supervised release, reducing such to a “time  
 21 already served” duration. This request is made pursuant to title 18 United States Code  
 22 §3583(e) and Federal Rules of Criminal Procedure 32.1(c). Under the same rule of criminal  
 23 procedure, no hearing is requested in this matter.

24 Section 3583(e)(1) allows for the termination a term of supervised release if it is (1)  
 25 in the interest of justice and (2) warranted by the defendant's conduct. Considering I have a  
 26 record of clear conduct, a short sentence relative to my co-defendants, and only 5 months  
 27 remaining on supervised release, the interests of justice are served (and my conduct  
 28 deserves) early termination in this case.

**A) Original Case**

I, along with a group of men I was friends with years ago, were indicted together in a conspiracy to put information-skimming devices on credit/debit card machines in the Los Angeles area in 2015.

I pleaded guilty in April of 2016 to one count of Conspiracy to Possess more than 15 Unauthorized Access Devices. I was a relatively minor participant in this conspiracy, but that does not mean I minimize the damage my conduct which assisted the conspiracy caused.

I was sentenced on May 23, 2016 to a term of 18 months of incarceration for my role in this conspiracy. I was also sentenced to pay a \$100 special assessment, and to spend 4 years on supervised release.

After I was sentenced, both the government and my defense counsel filed a joint motion [Doc. 267] to amend my judgment order [Doc. 269] because the statutory maximum sentence for a Class C/D felony is three years. 18 U.S.C. §3583(b)(2). Ostensibly this was done under Fed.R.Crim.P. 35(a). This was then used to amend my judgment to include a term of three years of supervised release, as limited by statute.

I was not given any fines or judgments of restitution to pay.

I was released from prison custody to start my term of supervised release on October 2, 2017. As of writing this pleading, it is June 20, 2020, and I have served two years and eight months of my term of supervised release, with only four months remaining.

**B) Authority to Grant Request and Applicable Case Law**

Statute allows for early termination of supervised release when, after considering many sentencing factors expressed in 18 U.S.C. § 3553(a), the Court determines this action is both warranted by the conduct of the defendant and is in the "interest of justice". See 18 U.S.C. §3583(e)(1).

Nearly all of the §3553(a) factors applicable at original sentencing are also applied to

1 early termination requests from supervised release, except for one. The cross-references to  
 2 sentencing factors specifically omits §3553(a)(2)(A): “the need for the sentence imposed –  
 3 to reflect the seriousness of the offense, to promote respect for the law, and to provide just  
 4 punishment for the offense;”.

5 This omission by Congress was intentional, and speaks to the purposes of supervised  
 6 release.<sup>1</sup> To wit, it speaks to what supervised release is *not* intended for: punishment and  
 7 reflection of passed criminal deeds. The government may object to this request and, in such  
 8 objection, point out how harmful my actions were to the community of  
 9 [Central/Northern/etc] California.

10 However, post-release supervision is intended to aid rehabilitation and the transition  
 11 from inmate to fully-free citizen again. My actions which caused my prosecution in this  
 12 case have no bearing on this Court’s decision to release me from further supervision and  
 13 considerations of those actions only distract from the reasons supervised release exists in  
 14 the first place.

15 The 9<sup>th</sup> Circuit “[has] repeatedly held that a district court enjoys significant discretion  
 16 in crafting terms of supervised release for criminal defendants.” *United States v. Weber*, 451  
 17 F.3d 557, 558 (9<sup>th</sup> Cir. 2006). “Consistent with a district court’s broad discretion in imposing  
 18 terms of supervised release, the language of §3583(e) gives district courts broad discretion  
 19 in determining whether to grant a motion to terminate supervised release” *United States v.*  
 20 *Emmett*, 749 F.3d 817 (9<sup>th</sup> Cir. 2014) (Quoting *United States v. Hook*, 471 F.3d 766, 771 (7<sup>th</sup>  
 21 Cir. 2006).

22 The *Emmett* case is of particular relevance here because the 9<sup>th</sup> Circuit reversed the  
 23 ruling by judge Pregerson, as the reason cited for the denial was because defendant Emmett  
 24 hadn’t demonstrated undue hardship that would be caused by continued supervision.

25 Such a ruling was consistent within the judiciary for many years, and can have it’s

---

1 Supervised release has been described by the Supreme Court as the “Decompression” stage of a sentence, as a transition from incarceration to fully-free citizen. See *Johnson v. United States*, 529 U.S. 694, 709 (2000).

1 roots traced back to the 2<sup>nd</sup> Circuit ruling in *United States v. Lussier*, 104 F.3d 32 (2<sup>nd</sup> Cir.  
 2 1997). “Occasionally, changed circumstances – for instance, exceptionally good behavior  
 3 by the defendant...” warranted changes to supervision terms, including early termination. *id.*

4 The 9<sup>th</sup> Circuit in *Emmett* broke from this standard this way, “To be sure, changed  
 5 circumstances are not necessarily required to warrant early termination – that that is so  
 6 merely to preserve district courts' discretion, not to relieve defendants of their burden.”  
 7 *Emmett*, at 720. Although the 9<sup>th</sup> Circuit still maintained that it is a defendant's burden to  
 8 “establish that he is entitled” to early termination of supervision, this decision is a nod to  
 9 changing judiciary policy regarding early termination.

#### 10 **C) Sentencing Commission and Judiciary Policy**

11 Policy on early termination on supervised release can be found both in judiciary policy,<sup>2</sup>  
 12 hereinafter “Guide”, and in the Sentencing Guidelines Manual in §5D1.2.

13 Foundational to this motion, the Sentencing Commission changed §5D1.2 in 2011 to  
 14 specifically encourage courts to consider early termination of supervised release in  
 15 “appropriate cases.”

16 For the last two years, judiciary policy has recognized an assumption that early  
 17 release is appropriate after the successful service of 18-months on probation if he meets  
 18 certain criteria.<sup>3</sup> I meet all six criteria because I am not a career or sex offender, I pose no  
 19 risk to the community or any person in the community, have no violations at all, and have  
 20 demonstrated that I do not need supervision to live a lawful and prosocial (supported) life.

#### 21 **D) This Court Should Grant Early Termination**

22  
 23 I’ve served all but 4 months of my supervision, and this request is well within the  
 24 realm of being reasonable. My conduct has been clear, I was a minor participant in this  
 25 case, and there is no reason this Court should not grant this request.

---

2 “Post-Conviction Supervision” Guide to Judiciary Policy, Vol. 8 Part E (Transmittal 08-040, July 2, 2018)

3 See “Guide” at §360.20(c)

1 The Sentencing Factors from §3553(a) support this request because:

- 2 • I have served nearly all of my sentence of supervised release, which was the  
3 maximum sentence possible under statute;
- 4 • I have no medical, vocation, or educational needs that are left to be addressed;
- 5 • I have a stable life, a good job, a solid family support system, and work full time as a  
6 caretaker for my aging parents (this is paid for by Health and Human Services, which  
7 my probation officer knows about and has approved);
- 8 • Similar defendants, including some of my co-defendants with identical or more  
9 severe conduct, have been released from their supervised release early; and
- 10 • I have no outstanding money due in this case like fines or restitution.

11 Policy from the Guidelines Manual support early termination is my case because I  
12 have been moved to low-risk supervision, have no violations, and have shown full  
13 rehabilitation by every indicator in the Risk-Prediction-Index.

14 Policy from the judiciary, as discussed in the previous section, also supports early  
15 termination here. I have no violations of supervision at all, big or small. I have  
16 demonstrated through my active supervision that I am of no risk to reoffend.

17 I spend my time taking care of my parents and being immersed in my family support  
18 system, including my sister, who helps with our parents and is a huge support to me in my  
19 re-entry.

20 At this point I have demonstrated conduct that warrants early termination, and the  
21 interests of justice are served by granting early termination by all statutory and policy yard-  
22 sticks by which that can be measured.

23 In sum, I am finished. I have nothing left to accomplish with my sentence and,  
24 besides simply existing, the only remaining event left for me here is to end supervised  
25 release.



1 CERTIFICATE OF SERVICE

2 I averthat I have served a true and correct copy of the preceding document, pursuant to L.R.  
3 5-4.2(a)(1) and Local Criminal Rule 49-1.2, upon the court and the office of the United  
4 States Attorney:

5  
6 **Julius J. Nam**

**Clerk of the U.S. District Court**

7 AUSA - Office of US Attorney

Central District of California

8 OCDETF Section

Western Division

9 312 North Spring Street

255 E. Temple Street

10 14th Floor

Room 180

11 Los Angeles, CA 90012

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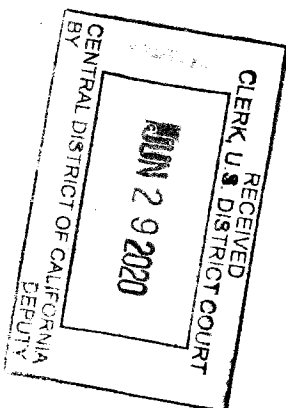
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